



3744

PATENT #4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Kilawee, et al
Application No.: 09/941,505
Filed: August 28, 2001
For: A Device For Holding A Container For A
Composition That Produces An Antimicrobially
Active Gas
Examiner: not assigned yet
Group Art Unit: 3744

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TC 3700 MAIL ROOM

Commissioner for Patent
Washington, D.C. 20231

Docket No.: E14.2-9861

TRANSMITTAL LETTER

1. In regard to the above-identified application, we are submitting the attached:
4 pg Information Disclosure Statement 3 pgs of 1449 forms; copies of references; VA&S transmittal and postcard
2. With respect to fees:
☒ No additional fee is required.
☐ Attached is check(s) in the amount of \$.
☐ Charge additional fee to our Deposit Account No. 22-0350.
3. **CONDITIONAL PETITION FOR EXTENSION OF TIME**
This conditional petition is being filed along with the papers identified in Item 1 above and provides for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time or for a petition and fee for any other matter petitionable to the Commissioner as required. If any extension of time for the accompanying response is required or if a petition for any other matter is required, by petitioner, Applicant requests that this be considered a petition therefor.
4. Notwithstanding paragraph 2 above, if any additional fees associated with this communication are required and have not otherwise been paid, including any fee associated with the Conditional Petition for Extension of Time, or any request in the accompanying papers for action which requires a fee as a petition to the Commissioner, please charge the additional fees to Deposit Account No. 22-0350. Please charge any additional fees or credit overpayment associated with this communication to the Deposit Account No. 22-0350.

VIDAS, ARRETT & STEINKRAUS

Date: November 28, 2001

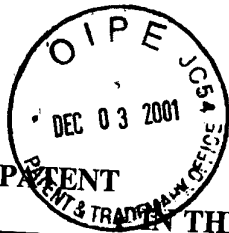
By:

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Certificate Under 37 CFR 1.8: I hereby certify that this Transmittal Letter and the paper(s) as described herein, are being deposited in the U.S. Postal Service, as FIRST CLASS MAIL, addressed to Commissioner for Patents, Washington D.C. 20231, on November 28, 2001.

Jodi Nickel
Jodi Nickel



PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

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INFORMATION DISCLOSURE STATEMENT

Listed below or on an attached Form PTO-1449 and/or a copy of a PTO-892 form is information known to applicant(s). A copy of each listed publication, U.S. patent, foreign patent and U.S. patent application is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98, *except that* U.S. applications from which priority is claimed under 35 U.S.C. §120, and documents cited in such priority applications, may be omitted from the enclosures pursuant to 37 C.F.R. 1.98(d). Applicant's submission of copies of U.S. applications does not constitute a waiver of the confidentiality of such applications. As such, **Applicant requests that any copies of unpublished US applications submitted herewith be excluded from the file wrapper pursuant to 37 C.F.R. §1.14.**

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If form PTO-1449 or PTO-892 from a prior application is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

Information Disclosure Statement
Application No. 09/041,505
Page 2

Applications that are listed on the accompanying modified form 1449 as related by priority are related by priority claim under 35 USC §120. Pursuant to 37 CFR §1.98(d), no copies of cited art in a previous application(s) to which priority was claimed need be submitted. Applicant is providing copies of the 1449 and/or 892 forms from these cases.

 X I. This statement qualifies as a no-fee Information Disclosure Statement under 37 C.F.R. §1.97(b) or otherwise because to the knowledge of the undersigned attorney it is being filed (check all that apply):

- X (1) within 3 months of the filing date of the application (other than a CPA); or
- (2) within 3 months of entry of the national stage; or
- X (3) before the mailing of a first Office Action on the merits;
- (4) before the mailing of a first Office Action after the filing of a request for continued examination (RCE) under §1.114;
- (5) as part of a continued prosecution application (CPA); or
- (6) during the period of a suspension of action for a CPA under 37 C.F.R. §1.103(b).

 II. This statement is believed to require a fee or the submission of a certification under 37 C.F.R. §1.97 (c) or otherwise. If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application (other than CPA); (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; (3) the mailing of a first Office Action on the merits; (4) the mailing of a first Office Action after the filing of a request for continued examination under §1.114; or (5) after the filing of a request for a continued prosecution application, but before the mailing date of the earlier of a final office action under §1.113, a notice of allowance under §1.311 or an action that otherwise closes prosecution in the application, then:

- (1) a certification as specified in §1.97(e) is provided below; or

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Page 3

_____ (2) a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

_____ **III. 37 C.F.R. §1.97(d).** If this statement is being filed after the mailing date of the earlier of a final office action under §1.113, a notice of allowance under §1.311, or an action that otherwise closes prosecution in the application, but before payment of the issue fee, then:

- (1) a certification as specified in §1.97(e) is completed below; and
- (2) a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with payment of other papers filed together with this statement.

X **IV. Fee Authorization.** If any fee is due for consideration of this Information Disclosure Statement and full payment has not been submitted herewith, regardless of which boxes have been checked above, the Commissioner is hereby authorized to charge any additional fees associated with this communication to Deposit Account No. 22-0350. The Commissioner is hereby authorized to credit any overpayment associated with this communication to Deposit Account No. 22-0350.

If paragraph II.1 or III is checked, also check one of the paragraphs below

_____ I hereby certify, under 37 CFR §1.97(e)(1), that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the date of the filing of this information disclosure statement.

_____ I hereby certify, under 37 CFR §1.97(e)(2), that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

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For the purpose of this certification, Applicant considers the PCT International Search Authority to constitute a foreign patent office.

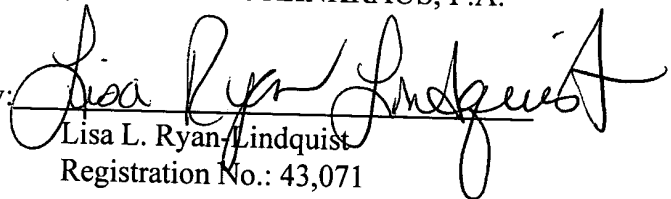
If this Information Disclosure Statement has been submitted without the appropriate box checked, Applicant requests that this Information Disclosure Statement be considered nevertheless if it is timely submitted under any of the provisions of 37 C.F.R. §1.97 or otherwise. Finally, if any petition is necessary to ensure consideration of this Information Disclosure Statement, Applicant requests that this be treated as such a petition.

Respectfully submitted,

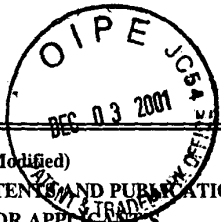
VIDAS, ARRETT & STEINKRAUS, P.A.

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By:


Lisa L. Ryan-Lindquist
Registration No.: 43,071

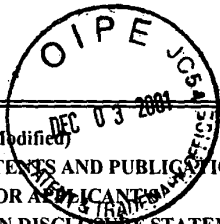
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FORM PTO-1449 (Modified) LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)				ATTY DOCKET NO.: E14.2-9861		APPLICATION NO.: 09/941,505	
				APPLICANT: Kilawee, et al			
				FILING DATE: 08/28/2001		GROUP: 3744	
REFERENCE DESIGNATION				U.S. PATENT AND PUBLISHED APPLICATION DOCUMENTS			
EXAM'S INIT.		DOCUMENT NUMBER	DATE	NAME	CLASS/ SUBCLASS	FILING DATE IF APPROPRIATE	
	AA	5289691	3/1/1994	Schlosser, et al	62/78		
	AB	6077495	6/20/2000	Speronello, et al	423/477		
	AC	5974810	11/2/1999	Speronello	62/66		
	AD	5408834	4/25/1995	Schlosser, et al	62/78		
	AE	5586439	12/24/96	Schlosser, et al	62/78		
	AF	5787723	8/4/1998	Mueller, et al	62/347		
	AG	5878583	3/9/1999	Schlosser, et al	62/73		
	AH	6238643 B1	5/29/2001	Thangaraj, et al	423/477		
	AI	4547381	10/15/1985	Mason, et al	426/316		
	AJ	4585482	4/29/1986	Tice, et al	106/15.05		
	AK	5650446	7/22/1997	Wellinghoff, et al	514/772.3		
	AL	5695814	12/9/1997	Wellinghoff, et al	427/213		
	AM	5707739	1/13/1998	Wellinghoff, et al	428/403		
	AN	5091107	2/25/1992	Hutchings	252/187.21		
	AO	5888528	3/30/1999	Wellinghoff, et al	424/405		
	AP	5922776	7/13/1999	Wellinghoff, et al	514/772.3		
	AQ	5965264	10/12/1999	Barenberg, et al	428/402		
	AR	5980826	11/9/1999	Barenberg, et al	422/37		
	AS	6196007 B1	3/6/2001	Schlosser, et al	62/73		
	AT	5193357	3/16/1993	Kohl, et al	62/347		
	AU	6046243	4/4/2000	Wellinghoff, et al	514/772.3		
EXAMINER				DATE CONSIDERED			
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

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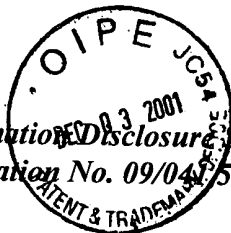
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EXAM'S INIT.		DOCUMENT NUMBER	DATE	NAME	CLASS/ SUBCLASS	FILING DATE IF APPROPRIATE	
	AA	6171558	1/9/2001	Simpson	422/186.3		
	AB	6071539	6/6/2000	Robinson et al.	424/466		
	AC	6071483	6/6/2000	Pastore	422/255		
	AD	6004439	12/21/1999	Bakhr et al.	204/260		
	AE	5967202	10/19/1999	Mullen et al.	141/104		
	AF						
	AG	5914120	6/22/1999	Wellinghoff et al.	424/406		
	AH	5853689	12/29/1998	Klatte	423/478		
	AI	5705092	1/6/1998	Wellinghoff et al.	252/187.21		
	AJ	5639559	6/17/1997	Mason et al.	423/472		
	AK	5639295	6/17/1997	Wellinghoff et al.	106/15.05		
	AL	5360609	11/1/1994	Wellinghoff	514/772.3		
	AM	4370305	1/25/1983	Affonso	422/292		
	AN	4325934	4/20/1982	Swindells et al.	423/478		
	AO	4324635	4/13/1982	Sweeney	204/266		
	AP	4297224	10/27/1981	Macchiarolo et al.	210/755		
	AQ	4258056	3/24/1981	Lentsch	424/303		
	AR	5631300	5/20/1997	Wellinghoff	514/772.3		
	AS	5476579	12/19/1995	Choi et al.	204/95		
	AT	4832972	5/23/1989	Toledo-Flores et al.	426/327		
	AU	4284653	8/18/1981	Shigeoka et al.	426/312		
	AV	4330531	5/18/1982	Alliger	424/149		
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	AA	5736016	4/7/1998	Allen	204/237		
	AB	5705050	1/6/1998	Sampson et al.	205/687		
	AC	5382520	1/17/1995	Jenson et al.	436/55		
	AD	5229072	7/20/1993	Tarancon	422/37		
	AE	4689169	8/25/1987	Mason et al.	252/186.24		
	AF	4542008	9/17/1985	Capuano et al.	423/477		
	AG	4460373	7/17/1984	Beavan	8/103		
	AH	4376787	3/15/1983	Lentsch et al.	424/315		
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